

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

DATAComm ELECTRONICS, INC.,  
a Georgia Corporation,

Plaintiff,

v.

MIDLITE CORPORATION,  
a Massachusetts Corporation,

Defendant.

Civil Action File No.

**JURY TRIAL  
DEMANDED**

**COMPLAINT**

Plaintiff DataComm Electronics, Inc. (“DataComm”) states its Complaint against Defendant, Midlite Corporation (“Defendant”), as follows:

**JURISDICTION AND VENUE**

1. This is an action for patent infringement arising under the patent laws of the United States, Title 35, United States Code.

2. This Court has subject matter jurisdiction over all causes of action set forth herein pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the patent laws of the United States, 35 U.S.C. §§ 1 *et seq.*

3. The action also raises claims seeking a declaratory judgment of the parties' rights pursuant to 28 U.S.C., §2201. The action presents an actual case or controversy within the Court's jurisdiction under that provision.

4. Venue is proper in this judicial district and division pursuant to 28 U.S.C. §§1391(b) and (c) and 1400(b) in that the Defendant has done business in this District, has committed acts of infringement in this District, and continues to commit acts of infringement in this District, entitling DataComm to relief.

### **PARTIES**

5. DataComm is a Georgia Corporation with a principle place of business at 6349 Peachtree Street, Norcross, GA 30071-1725.

6. Upon information and belief, Defendant is a Massachusetts corporation with its principle place of business at 866 Warren Street, Fall River, MA, 02721.

7. Upon information and belief, Defendant sells products in the State of Georgia via one or more distributors and/or directly from its Massachusetts location.

8. Upon information and belief, Defendant sells and/or has sold products in Georgia and/or has shipped products into the State of Georgia.

9. Upon information and belief, the Court has personal jurisdiction over Defendant.

### **THE CONTROVERSY**

10. DataComm holds all rights and interests in United States Patent No. 7,459,171 to Gorin, *et al.*, issued February 24, 2009, entitled “Wall Plate With Flexible Screen For Passage of Communication Cable,” which is hereinafter referred to as “the ‘171 patent.”

11. A copy of the ‘171 patent is attached herewith as Exhibit “A.”

12. Upon information and belief, Defendant sells and/or offers for sale a number of products that incorporate the claimed features claimed of the ‘171 patent, which are hereinafter referred to as the “infringing products.”

13. Select images of Defendant’s infringing products and identifying model numbers are depicted below and more fully described in Exhibit “B.”

a. Single Gang Splitport Plus with Grommet



#### **SINGLE GANG SPLITPORT™ PLUS WITH GROMMET**

1GSPWH-GR10	White
1GSPLA-GR10	Light Almond
1GSPIV-GR10	Ivory
1GSPBK-GR10	Black
Hole Size 1.4" (Diameter)	

b. Power+Port Recessed Receptacle Kit and Wireport Plate with Grommet



**POWER+PORT™ RECESSED  
RECEPTACLE KIT AND WIREPORT™  
PLATE WITH GROMMET**

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2A5251-1G-W	White
2A5251-1G-LA	Light Almond
2A5251-1G-I	

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c. Power+Port Recessed Receptacle Kit



**POWER+PORT™ RECESSED RECEPTACLE KIT**

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2A5251-W	White
2A5251-LA	Light Almond
2A5251-I	Ivory
2A5251-B	Black

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Plug Recessed Clearance 1.4"

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d. Power+Port Kit—HDTV Power Solution with 6 FT Cord



**POWER+PORT™ KIT—HDTV POWER SOLUTION  
WITH 6 FT CORD**

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A2GESR-W	White
A2GESR-LA	Light Almond
A2GESR-I	Ivory
A2GESR-	

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## e. Power+Port Kit—HDTV Power Solution with 3 FT Cord

**POWER+PORT™ KIT—HDTV POWER SOLUTION  
WITH 3 FT CORD**

A2GESR-W-3	White
A2GESR-LA-3	Light Almond
A2GESR-I-3	Ivory
A2GESR-B-3	Black

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Plug Recessed

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## f. Splitplate Wireport with Grommet

**SPLITPLATE WIREPORT™ WITH GROMMET**

2GESP-GR10-W	White
2GESP-GR10-LA	Light Almond
2GESP-GR10-I	Ivory
2GESP-GR10-B	Black

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Hole Size 1.425" (Diameter)  
Hole Area 1.59" (Sq. In.)

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Sold in Master Packs of 20

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[Brochure](#)

## g. Duplex Receptacle with Wireport

**DUPLEX RECEPTACLE WITH WIREPORT™**

DR2G-GR10-WH	White
DR2G-GR10-LA	Light Almond
DR2G-GR10-IV	Ivory
DR2G-GR10-BK	Black

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Hole Size 1.425" (Diameter)  
Hole Area 1.59" (Sq. In.)

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Sold in Master Packs of 25

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[Brochure](#)

**COUNT ONE:**  
**INFRINGEMENT OF U.S. PATENT NO. 7,495,171**

14. DataComm realleges and incorporates herein the allegations of paragraphs 1 through 13 of this Complaint as if fully set forth herein.

15. Upon information and belief, Defendant has infringed directly and/or indirectly and continues to infringe directly and/or indirectly the '171 patent.

16. Defendant's infringing acts include, but are not limited to, the manufacture, use, sale, importation, and/or offer for sale of Defendant's infringing products, as defined and set forth above and herewith.

17. The acts of infringement of the '171 patent by Defendant have caused and will continue to cause damage to DataComm.

18. Upon information and belief, Defendant's infringing acts are willful.

19. DataComm is entitled to recover from Defendant the damages sustained by DataComm as a result of Defendant's wrongful acts in an amount subject to proof at trial.

20. The infringement of DataComm's exclusive rights under the '171 patent by Defendant will continue to damage DataComm, causing irreparable harm, for which there is no adequate remedy at law, unless enjoined by this Court.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff DataComm prays for the following relief from the Court and against Defendant Midlite Corporation:

- A. Entry of judgment of patent infringement against Defendant;
- B. That Defendant be ordered to pay damages adequate to compensate DataComm for Defendant's acts of infringement and treble damages, both pursuant to 35 U.S.C. § 284;
- C. That this case is exceptional and that DataComm be awarded its reasonable attorneys' fees pursuant to 35 U.S.C. § 285.
- D. That Defendant and its officers, agents, employees, and those acting in privity with Defendant, be permanently enjoined from further infringement, contributory infringement, and/or inducing infringement of the '171 patent pursuant to 35 U.S.C. § 283;
- E. That Defendant be ordered to pay pre- and post-judgment interest;
- F. That Defendant be ordered to pay all costs and interest associated with this action;
- G. That DataComm be granted such other and additional relief as the Court deems just, equitable, and proper.

**DEMAND FOR JURY TRIAL**

Plaintiff, DataComm Electronics, Inc. demands a trial by jury of all issues triable of right by a jury.

This 23rd day of March 2011.

/s/ N. Andrew Crain

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George M. Thomas

Georgia State Bar No. 704900

N. Andrew Crain

Georgia State Bar No. 193081

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